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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,683	01/08/2004	Hirofumi Muratani	247273US2SRD DIV	5927
22850 7590 06/04/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER GYORFI, THOMAS A	
		ART UNIT 2135	PAPER NUMBER	
		NOTIFICATION DATE 06/04/2007	DELIVERY MODE ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/752,683	MURATANI, HIROFUMI
	Examiner Tom Gyorfi	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4-8, 14-19, 23-27*
- 4) Claim(s) 22 is/are pending in the application.  
 4a) Of the above claim(s) 1-3, 9-13, 20-22 and 28-32 is/are withdrawn from consideration. *canceled*.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 4-8, 14-19 and 23-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. 09/658,565.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                 |                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                            | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/8/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|                                                                                                                                 | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims 1-32 were pending examination. The preliminary amendment filed 1/8/04 cancelled claims 1-3, 9-13, 20-22, and 29-32.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 1/8/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each *non-patent literature publication* or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, Applicant has not provided a copy of the NPL reference designated "AS" in either the instant application or parent application 09/658,565. The IDS has been placed in the application file, but the particular reference referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 4-8, 14-19, and 23-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 4 recites a method wherein each step, including the end result, is a mathematical computation; as such, the claim is directed to an abstract idea which fails to realize a practical application by producing either a physical transformation or a useful, concrete, and tangible result; and therefore the claim is non-statutory. The remaining claims are directed to a "unit" which

could include non-statutory embodiments such as software *per se* [i.e. a mathematical algorithm], which is non-statutory for similar reasons as claim 4. See MPEP §2106.

***Allowable Subject Matter***

5. Claims 4-8, 14-19, and 23-27 would be allowable pending resolution of the rejections of said claims over 35 USC 101 above.

6. The following is an examiner's statement of reasons for allowance:

Regarding claims 4 and 5:

The prior art of record does not teach (1) decoding a plurality of component codes to obtain a plurality of residue pairs, taking a plurality of integers which are predetermined and are relatively prime to each other as moduli, and (2) calculating a user identification number of a colluder who made a collusion attack on the content, from the plurality of residue pairs, wherein the plurality of component codes have a possibility of decoding at least one of the residues with respect to the user identification number.

Regarding claim 14:

In addition to the reasons applicable to claims 4 and 5, the prior art of record does not disclose determining a value  $k'$  to calculate a user identification number, where  $k'$  is defined  $c(k+l)/q$  as recited in the claim.

Regarding claim 19:

In addition to the reasons applicable to claims 4 and 5, the prior art of record does not disclose the component code decoding means includes a block dividing section for dividing each of the component codes into blocks, a counting section for counting a number of bits of "1" in every one of the blocks, a first determining section for determining whether or not a count value obtained by the counting section exceeds a first threshold value, a second determining section for determining whether or not the count value is smaller than a second threshold value, a minimum position selecting section for selecting a minimum block determined as exceeding the first threshold value by the first determining section, and a maximum position selecting section for selecting a maximum block determined as being smaller than the second threshold value, thereby to output a selection results of the minimum and maximum position selecting sections, as a decoding result.

The remaining claims are allowable by virtue of their dependency on claims 9 and 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
  - U.S. Patent 6,603,864 to Matsunoshita;
  - U.S. Patent 5,583,941 to Yoshida et al.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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